



POLICE DEPARTMENT

-----X  
In the Matter of the Disciplinary Proceedings :  
- against - : FINAL  
Sergeant Michael Iscenko : ORDER  
Tax Registry No. 888871 : OF  
Housing Police Service Area 9 : DISMISSAL  
-----X

Sergeant Michael Iscenko, Tax Registry No. 888871, Shield No. 617, Social Security No. ending in [REDACTED] having been served with written notice, has been tried on written Charges and Specifications numbered 2015-13562, as set forth on form P.D. 468-121, dated June 18, 2015, and after a review of the entire record, has been found Guilty as Charged.

Now therefore, pursuant to the powers vested in me by Section 14-115 of the Administrative Code of the City of New York, I hereby DISMISS Sergeant Michael Iscenko from the Police Service of the City of New York.

  
WILLIAM J. BRATTON  
POLICE COMMISSIONER

0001 hrs., September 25, 2015  
EFFECTIVE:



POLICE DEPARTMENT

September 25, 2015

-----X  
In the Matter of the Charges and Specifications :

Case No.

- against - :

2015-13562

Sergeant Michael Iscenko :

Tax Registry No. 888871 :

Police Service Area 9 :

-----X  
At:

Police Headquarters  
One Police Plaza  
New York, New York 10038

Before:

Honorable Rosemarie Maldonado  
Deputy Commissioner Trials

APPEARANCE:

For the Department:

Marissa Gillespie, Esq.  
Rachel Grinspan, Esq.  
Department Advocate's Office  
One Police Plaza  
New York, New York 10038

For the Respondent:

John D'Alessandro, Esq.  
Andrew Quinn, Esq.  
The Quinn Law Firm  
399 Knollwood Rd – Suite 220  
White Plains, NY 10603

To:

HONORABLE WILLIAM J. BRATTON  
POLICE COMMISSIONER  
ONE POLICE PLAZA  
NEW YORK, NEW YORK 10038

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The above-named member of the Department appeared before me on September 16, September 17 and September 18, 2015 charged with the following:

1. Said Sergeant Michael Iscenko, while on-duty and while assigned to the Organized Crime Control Bureau, on or about January 23, 2015, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Sergeant wrongfully threw a substance, later determined to be human semen, on the body and clothing of a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED  
CONDUCT - GENERAL REGULATIONS

2. Said Sergeant Michael Iscenko, while on-duty and while assigned to the Organized Crime Control Bureau, on or about January 23, 2015, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: with intent to harass, annoy or alarm another person, said Sergeant wrongfully threw a substance, later determined to be human semen, on the body and clothing of a person known to the Department, causing said person annoyance and alarm.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED  
CONDUCT - GENERAL REGULATIONS

3. Said Sergeant Michael Iscenko, while on-duty and while assigned to the Organized Crime Control Bureau, on or about January 23, 2015, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Sergeant, having no right to do so nor any reasonable ground to believe he had such right, damaged the property of another person, to wit he wrongfully threw a substance, later determined to be human semen, on the body and clothing of a person known to the Department, causing staining to said clothing.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED  
CONDUCT - GENERAL REGULATIONS

4. Said Sergeant Michael Iscenko, while on-duty and while assigned to the Organized Crime Control Bureau, on or about January 23, 2015, engaged in conduct prejudicial to the good order, efficiency and discipline of the Department, to wit: said Sergeant subjected another person to unwanted sexual contact without said person's consent by throwing human semen on the body and clothing of a person known to the Department.

P.G. 203-10, Page 1, Paragraph 5 - PUBLIC CONTACT - PROHIBITED  
CONDUCT - GENERAL REGULATIONS

5. Said Sergeant Michael Iscenko, while on-duty and while assigned to the Organized Crime Control Bureau, on or about January 30, 2015, during an official Department investigation pursuant to Patrol Guide Section 206-13, did wrongfully make



false and misleading statements, to wit: said Sergeant denied throwing any substance on the body and clothing of a person known to the Department on January 23, 2015, knowing such statement was false.

P.G. 203-08, Page 1, Paragraph 1 – MAKING FALSE STATEMENTS -  
GENERAL REGULATIONS

The Department was represented by Marissa Gillespie, Esq. and Rachel Grinspan, Esq., Department Advocate's Office, and Respondent was represented by John D'Alessandro, Esq. and Andrew Quinn, Esq. Respondent, through his counsel, entered a plea of Not Guilty to the subject charges. The Department called Police Administrative Aide (PAA) I, Detective Melissa Negron, Detective Tiesha Loftin Batts, Police Officer Christopher Gaige, Sergeant Martha Harley-Lewis, Detective Solomon Chinnery, Criminalist Michael Valetutti, and Criminalist Nubia Ducasse as witnesses. Respondent was compelled to testify upon the order of Inspector Louis Luciani. A stenographic transcript of the trial record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent is found Guilty.

FINDINGS AND ANALYSIS

The following facts are undisputed. PAA I has worked as a Police Administrative Aide for almost twenty nine years. Since 2006, she has been assigned to the Special Investigations Division on the 11<sup>th</sup> floor at 1 Police Plaza. Respondent became a uniformed member of service in 1986. In January 2015, he was a sergeant assigned to the Chief of the Organized Crime Control Bureau, also on the 11<sup>th</sup> floor at 1 Police Plaza. (Tr. 14-15, 217-218)



Pers A and Respondent were merely professional acquaintances who exchanged pleasantries in the hallways. Although they did not socialize outside the office, Respondent gave her a birthday card after she revealed the date of her 62<sup>nd</sup> birthday and told him that she planned to retire. Respondent also complimented PAA I's attire and, on more than one occasion, expressed his opinion that she looked better in skirts. At trial, he explained that he has a general preference for women in skirts. PAA I was not offended by Respondent's comments. When asked if he was attracted to PAA I, Respondent answered, "not particularly." (Tr. 15-19, 21, 221-228; DX 2)

The incident at issue in this case occurred on January 23, 2015. At or about 1130 hours PAA I walked from her office to the women's 11<sup>th</sup> floor restroom. Respondent was also walking through the hallways at that time. Surveillance footage from that morning captured their movements and their encounter in the elevator bank (DX 1):

- 11:29:10 – Respondent walks through the elevator bank away from his office.
- 11:31:20 – Respondent walks back toward his office.
- 11:31:39 – PAA I walks to the women's restroom.
- 11:31:59 – Respondent walks toward the women's restroom.
- 11:32:21 – Respondent walks back toward his office.
- 11:32:39 – Respondent walks back toward the direction of the women's restroom.
- 11:34:19 – PAA I walks from the restroom toward her office.
- 11:34:22 – Respondent follows closely behind her. As they turn into the elevator bank, Respondent moves his hand in a flicking motion toward PAA I turns to reach back to her left leg and faces Respondent as he pivots, changes direction and hurriedly walks away.

The only disputed issues are whether Respondent threw a substance on PAA I and whether that substance was his semen. After assessing the totality of the record, including the credibility of the witnesses, I find that Respondent engaged in sanctionable misconduct by throwing semen at PAA I as charged.



Throwing of Substance

The following is a summary of the relevant evidence presented by the Department Advocate. PAA I testified that in or about August 2014, she began to notice a "white, creamy substance" on her clothing after leaving the restroom. She did not know what the substance was and thought she might be "picking it up from the restroom toilet" or from co-workers "throwing lotion on [her] legs." This had occurred at least four to five times and on each of these instances she had been wearing a skirt. PAA I had developed the habit of checking herself in the mirror before leaving the restroom to ensure that her clothing had not been stained. (Tr. 23-25)

At approximately 1015 hours on the morning of January 23, 2015, PAA I went to the restroom and, as was her habit, examined herself in the mirror before leaving. Detective Melissa Negron, an acquaintance from the Office of the Chief of Transportation, teased her and PAA I explained that she was checking for white spots or cream. Neither Negron nor PAA I noticed any stains at that time. Both women returned to their respective offices without incident. (Tr. 24-26, 56-57)

PAA I returned to the restroom around approximately 1130 hours. She testified that as she was walking back to her office she felt something cold and wet on the back of her leg. She immediately turned around and saw Respondent standing behind her. She was perplexed and said, "Eww, why did you do that to me?" Respondent did not respond. Instead, he changed directions and "rushed to his office without saying a word." She used the paper towel in her hand to wipe a "white creamy substance" from her leg. PAA I testified that she "became nervous ... [and] didn't know what to do." She



remembered having discussed the issue earlier with Negron and went to her office to tell her what had just happened. (Tr. 21-23, 26)

At trial, Negron corroborated PAA1's testimony. She explained that at about 1015 hours PAA 1 did not have any stains on her clothing. At approximately 1130 hours, however, PAA 1 appeared at her office visibly upset. She recalled that PAA 1 said, "Look, look. You remember what we were discussing this morning? Well, it happened to me. Look, look." Negron then observed a slimy, gooey, wet, white substance on PAA 1's skirt, stockings and shoe. Negron believed the substance to be semen, but did not tell PAA 1 at the time because she did not want to upset her any further. When she saw PAA 1 wiping the substance with a paper towel she told her to stop and immediately took PAA 1 to the Office of Equal Employment Opportunity (OEEO). She was concerned that this needed to be reported before the substance dried. When they arrived outside OEEO, PAA 1 pointed to a man in the hallway and said, "Look, that's him." Negron recognized Respondent from the 11<sup>th</sup> floor, but did not know his name. (Tr. 56-62)

PAA 1 met with OEEO Detective Tiesha Loftin-Batts. Loftin-Batts testified that when PAA 1 arrived she was visibly upset and emotional. She interviewed PAA 1 who told her that as she was leaving the 11<sup>th</sup> floor bathroom, she felt an unknown, creamy substance on her leg and turned around to see "Mike." PAA 1 also indicated to Loftin-Batts that she had previously noticed the same substance on her clothing. (Tr. 27, 68-71, 87)

Loftin-Batts testified that she observed a dried white stain on PAA 1's shoe but did not see anything on her skirt or stocking. She did not know what the substance was at



the time. She noticed that PAA I was holding a tissue/paper towel and held open a yellow envelope for her to place it inside. The envelope was then placed in a locked desk drawer. (Tr. 71-74; DX 3)

After being compelled to testify at trial, Respondent affirmed that the surveillance video had captured him walking around the 11<sup>th</sup> floor hallways trying to get a strong cell phone signal. According to Respondent, there is a stronger signal outside the office of the Deputy Commissioner of Management and Budget, which is in the same hallway as the women's 11<sup>th</sup> floor bathroom. After reviewing his messages at that location, he cut through the elevator bank to a stairwell that would put him in close proximity to a colleague that he intended to meet on the 12<sup>th</sup> floor. (Tr. 231-33, 236-37)

Respondent explained that PAA I was walking less than a foot ahead of him as he proceeded to that stairwell. As they reached the elevator bank, PAA I stopped short. He reacted by pivoting and quickly walking to another stairwell located behind them. Respondent admitted at trial that his hand moved forward toward PAA I before she turned around. He suggested that perhaps he coughed, though he acknowledged the video did not show him coughing, or perhaps inexplicably flicked his hand. Respondent denied throwing any substance on PAA I, stating "there's no way I threw semen on that lady." He suggested that he may have accidentally gotten saliva or mucus on her when he coughed. Respondent contends that he did not hear PAA I say anything nor did he see her look back at him. (Tr. 233-42, 246)

Given the differing accounts of what transpired at or about 1134 hours in the 11<sup>th</sup> floor elevator bank, a significant part of this tribunal's determination must be based on the credibility of the witnesses. In making such an assessment, the trier of fact should



consider a wide range of factors, including but not limited to, witness demeanor, corroborating evidence, the consistency of a witness account both at trial and over time, the degree to which the witness is interested in the outcome of a case, the potential prejudice or bias of the witness, and perhaps most basically the degree to which the witness accounts are logical and comport with common sense and general human experience. For the reasons set forth below this tribunal found PAA I to be an extremely credible witness.

First, the record provided significant corroboration of PAA I's version of events. It is uncontested that, as captured on the surveillance video, Respondent was directly behind PAA I, Respondent moved his hand toward PAA I turned around, faced Respondent and Respondent pivoted and quickly walked in another direction. At that point, PAA I went directly to Detective Negron's office because earlier that morning she had told Negron about these suspicious stains. Detective Negron was a credible and unbiased witness who corroborated that she had observed PAA I in the woman's room about an hour before checking her skirt for white stains that had puzzled her and that she had previously noticed on her clothes. Soon thereafter, and immediately after the incident captured on video, Negron "couldn't believe what [her] eyes were seeing" when PAA I showed up at her office in an emotional state to reveal that Respondent had just thrown something on her clothes. Negron confirmed that the substance was creamy white and that she immediately suspected it to be semen. That Negron, another uniformed member of service, recommended that PAA I immediately file an official report, only strengthened the Department's position that PAA I was the victim of a vile act. (Tr. 60)



Second, PAA I immediately reported this incident not only to Negron but to the OEE0. As set forth in more detail above, the initial statement she made when she filed her OEE0 complaint on January 23, 2015 was shown to be materially consistent with her testimony at trial nearly nine months later. The consistency of her statements throughout is also indicia of PAA I's credibility.

Third, the record is devoid of evidence indicating that PAA I had any bias against, or motive to disgrace, Respondent. On the contrary, until this incident occurred, she considered him to be a friendly hallway acquaintance. Respondent himself corroborated this and agreed that he could not think of any reason why she would make up these allegations.

Fourth, PAA I stands to gain nothing from her testimony at this proceeding. In fact, she appeared pained and emotional while giving her testimony and it was clear that discussing the events of January 23 remains hard for her. As such, I believe there was no other reason for her to go through with the difficult experience of testifying other than to tell the truth.

Conversely, the record raised serious doubts regarding Respondent's trustworthiness as a witness. I found Respondent's own account of what occurred to be unconvincing. The video clearly shows his hand moving toward PAA I, her turning toward Respondent before he pivots and takes off in the other direction. Yet, at trial Respondent testified that he did not see her turn nor hear her say anything. In light of the video evidence, Respondent's denial did not have the ring of truth to it.

Not only was Respondent's claim that he did not see PAA I turn toward him puzzling, his own reaction, as caught on video, was highly suspect. Respondent stated



that he merely turned away because she was walking slowly and stopped short. If this innocent explanation were true, given their friendly relationship, it would have been reasonable to expect Respondent to at least say something to PAA I. Instead, he ignored her presence and rapidly left the area. This suspicious behavior is indicia of guilt.

Respondent's explanation for pivoting and hurriedly walking in another direction after Respondent stopped was also puzzling. Respondent testified that he was cutting through the elevator bank to access the staircase closest to the location of a meeting on the 12<sup>th</sup> floor. When PAA I stopped short, Respondent could have just walked around her and proceeded to his planned shortcut. Instead, he furtively scurries away.

Respondent's credibility was further damaged by his inconsistent explanations for why he moved his hand in PAA I's direction in the elevator bank. At his January 30, 2015 Department interview, he denied throwing anything at PAA I. Respondent further contended that he was looking down at his cell phone at the moment his hand was caught on video moving in PAA I's direction in the elevator bank. For the first time at trial Respondent suggested that he may have coughed and gotten mucus on PAA I. Respondent admits, however, that the video does not corroborate that he was coughing at the time. Likewise, his trial statement that he may have inexplicably "flicked" his hand out in PAA I's direction is highly questionable. Given the serious nature of the allegations against Respondent, this tribunal cannot ignore that Respondent has a strong motive to testify in a manner that absolves him of any wrongdoing. Within this context, Respondent's explanations appear to be self-serving, after-the-fact fabrications and not truthful recitations of actual events. (DX 4B, p.11-12, 19-20)



Accordingly, I find that the Department proved by a preponderance of the credible evidence, that Respondent engaged in misconduct by throwing a substance on PAA I as charged.

Identification of Substance Thrown

The record is clear that PAA I did not know what substance Respondent had thrown at her. The Department had the substance tested. Forensic evidence introduced at the hearing confirmed that the substance found on PAA I's shoe was seminal fluid. Subsequent DNA testing further confirmed that this seminal fluid matched Respondent's DNA.

Loflin-Batts testified that she noticed that PAA I was holding a paper towel and held open a yellow envelope for her to place it inside. The envelope was then placed in a locked desk drawer. (Tr. 71-74; DX 3) PAA I testified that when she left OEEO, she put her shoe in a paper bag so that she could take it home. PAA I wore the stockings that she had been wearing earlier that day home. (Tr. 28, 46, 74)

Sometime after PAA I left OEEO, Loflin-Batts and her supervisor watched security footage of the incident. It was then decided that Loflin-Batts and officers from the Evidence Collection Team (ECT) would go to PAA I's home to collect her shoe and stockings. Police Officer Christopher Gaige of the ECT responded to the OEEO office. The paper towel was placed inside an evidence envelope, sealed with evidence tape and labeled. (Tr. 74, 76, 99-100).

Loflin-Batts and Gaige then responded to PAA I's residence at approximately 1925 hours. The shoe and stocking were obtained and Gaige, donning protective gloves, placed them in individual paper evidence bags. The paper towel, shoe, and stocking,



were each in their own paper evidence bags and then placed into a larger paper evidence bag. An elimination swab was also collected from PAA 1 and was secured in a separate paper evidence bag. (Tr. 76, 100-104).

From PAA 1's residence, Gaige and Loftin-Batts returned to the ECT office to prepare the paperwork for each item. Each item received a unique PETS number for identification purposes. PAA 1's shoe was assigned PETS number 1600039095, her stocking was assigned PETS number 1600039093, and the paper towel was assigned PETS number 5558665. The three items were then vouchered under number 1000599319. PAA 1's elimination swab was vouchered under number 1000599338. Gaige then transferred the items to the 5th Precinct where they were stored awaiting transfer to the NYPD laboratory. (Tr. 75-77, 106-111).

Gaige testified that he did not know how the paper towel had been handled prior to his arrival and acquiesced that carrying evidence home on a subway does not make for optimal evidence collection. The items were sent to the NYPD lab for chemical testing. (Tr. 106-108, 117).

Michael Valetutti, a Criminalist in the Department Police Lab was certified as an expert in the fields of chemical analysis, explosives, and fire debris analysis for purposes of this proceeding. He testified that he received three items, a shoe, stockings, and a paper towel, vouchered under number 1000599319 on January 26, 2015. The items were sealed and initialed upon receipt. Valetutti performed both a visual and chemical analysis on each item. Specifically, Valetutti cut two random samples from the paper towel to undergo testing. He also cut a sample from the stocking where he observed discoloration. Each item was tested individually, with Valetutti cleaning and decontaminating his



workstation between each analysis. Each item was repackaged, taped, and initialed after the chemical analysis was complete to be returned to the evidence control section. None of the items tested positive for chemicals. (Tr. 154, 159-62).

OEE0 received notification from the Police Laboratory that chemical testing produced negative results. The items were then transferred to the Office of the Chief Medical Examiner (OCME) for DNA analysis. On June 2, 2015, OEE0 received notification that the substance found on PAA 1's shoe had tested positive for semen. On June 4, Respondent was placed on modified duty status. Respondent was asked if he would voluntarily provide a DNA sample, which he refused. His Department cell phone and ID card were then collected and placed in separate paper bags. Each item was vouchered and subsequently sent to the OCME lab to be tested. (Tr. 79, 130-132, 143)

Nubia Ducasse, a criminalist in the OCME, testified regarding the subsequent DNA testing of the evidence. Based on her training and experience, Ducasse was certified as an expert in DNA analysis, forensic biology and the statistical significance of those results. (Tr. 173-176)

Ducasse explained that with the exception of identical twins, each individual's DNA is unique. In developing a DNA profile, the OCME looks specifically at fifteen locations in the DNA, in addition to the location which determines sex, for a total of sixteen locations. The DNA profile that is then developed contains a string of numbers, similar to a Social Security number that is unique to an individual. (Tr. 176-179)

Ducasse testified that on May 15, 2015, the OCME received three pieces of evidence under voucher number 1000599319. A shoe, stockings, and a paper towel all arrived in separate bags contained in one larger sealed bag. On May 26, 2015, she



performed an analysis of each item. Ducasse testified that according to standard procedure, she donned protective work gear and thoroughly cleaned her workstation. Each item was analyzed individually, with Ducasse cleaning her workstation and changing protective gear between each analysis. (Tr. 183-184; DX 5)

Ducasse testified that she first analyzed the paper towel. She viewed it under an alternate light source and noticed that one stain fluoresced. Ducasse then performed an AP test, a presumptive test that looks for acid phosphatase, one of the components of seminal fluid. The AP test returned negative results. Ducasse also performed the confirmatory PSA test on the stain, looking for prostate specific antigen, another protein found in semen, which was also negative. (Tr. 185-86)

Next, Ducasse analyzed the stockings, first viewing it under an alternate light source. Two stains fluoresced and Ducasse performed both presumptive and confirmatory tests on the two stains, which returned negative results. (Tr. 186)

Ducasse then analyzed the shoe and upon initial inspection noticed a "white crusty-looking stain." AP analysis of the stain returned positive results for acid phosphatase. The confirmatory PSA analysis of the stain also returned positive results. Ducasse testified that based on the appearance of the stain and the positive results of both the AP and PSA tests, she came to the conclusion to a scientific degree of certainty that the white substance on the shoe was seminal fluid. Ducasse explained that seminal fluid is male ejaculate and contains proteins, inorganic ions, and may contain sperm cells. (Tr. 186-88, 211)

Using a technique known as differential extraction, the sample was separated into three smaller samples and analyzed, creating a single DNA profile, which was labeled Male Donor A. (Tr. 189-90; DX 6).

On June 12, 2015, Ducasse received two additional pieces of evidence, Respondent's Department cell phone and employee identification card. Following the same preparation procedures previously described, Ducasse performed DNA analysis on both items, individually. DNA analysis of the cell phone produced a profile containing a mixture of DNA, so no further analysis was performed. DNA analysis of the employee identification card produced a clean DNA profile. (Tr. 193-196).

On July 9, 2015, Ducasse received a buccal sample from Respondent under voucher 600010919 which had been obtained pursuant to a warrant. Following the same preparation and testing procedures used to analyze the other pieces of evidence, a DNA profile was developed using Respondent's buccal swab. Ducasse testified that the DNA profiles developed from the ID card and Respondent's buccal sample matched exactly to the DNA profile obtained from the shoe. According to Ducasse, "we'd expect to see this profile in one in greater than 6.8 trillion unrelated individuals" She noted that the population of planet earth is approximately 6.8 billion and explained, "we would need about 1,000 planet earths before we saw this profile a second time [in another individual]." (Tr. 196-202; DX 7)

Based on the credible and thorough testimony of these expert witnesses, I find that seminal fluid was found on PAA 1's shoe which matched Respondent's DNA profile.



In making this finding I note that Respondent's semen was not found on either PAA I's stocking or the paper towel that she used to wipe herself off. From a lay perspective, it may be somewhat difficult to grasp how no semen was found on these items. However, the testimony showed, that the manner in which the evidence was collected was not entirely optimal. The paper towel was initially placed into a yellow envelope, not an evidence collection bag, and remained in a locked desk in the EEO office for hours before being collected by an officer from Evidence Collection. PAA I also wore her stockings for hours around 1 Police Plaza after the incident occurred and at the end of her tour wore them home. (Tr. 28) Both of these items also had samples cut from them by the criminalist in the NYPD lab and nearly four months elapsed between the chemical lab testing and the semen testing. While none of these facts explain exactly why no semen was present on the paper towel or stocking, it certainly shows that there was potential for these items to have been compromised during the collection and analysis process.

Although the collection of PAA I's shoe did not take place under optimal circumstances, the fact remains that seminal fluid matching Respondent's DNA was found on it. Based on the evidence presented, the only reasonable explanation for how Respondent's semen got on the shoe PAA I was wearing on January 23, 2015, was that he placed it on her by the 11<sup>th</sup> floor elevator bank at 1 Police Plaza.

Accordingly, having considered the record in its entirety, I find Respondent Guilty of the misconduct set forth in Specifications 1-4. I also find that he lied in denying that he did so at his January 30, 2015 official Department interview. As such, he is Guilty of Specification 5.

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See Matter of Pell v. Board of Educ., 34 N.Y.2d 222, 240 (1974).

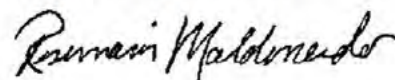
Information from his personnel folder that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

Respondent has been found guilty of, while on duty, (i) wrongfully throwing human semen on the body and clothing of PAA I; (ii) wrongfully throwing human semen on the body and clothing of PAA I with intent to harass, annoy or alarm; (iii) damaging and causing staining to the clothing of PAA I by wrongfully throwing human semen on said clothing; (iv) subjecting PAA I to unwanted sexual contact without consent by throwing human semen on her body and clothing; and (v) making false statements at an official Department interview. Respondent's actions on the date in question constitute ethical and professional failure, made even more egregious by the fact that it was committed while Respondent was on-duty and against another member of the service. Such conduct is the antithesis of the standards set by the Department for its uniformed members. As such, there is no alternative but to recommend that Respondent be DISMISSED from the New York City Police Department.

**APPROVED**

SEP 25 2015  
JULIAN J. BROWN  
POLICE COMMISSIONER

Respectfully submitted,



Rosemarie Maldonado  
Deputy Commissioner – Trials



POLICE DEPARTMENT  
CITY OF NEW YORK

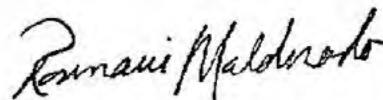
From: Deputy Commissioner - Trials  
To: Police Commissioner  
Subject: CONFIDENTIAL MEMORANDUM  
SERGEANT MICHAEL ISCENKO  
TAX REGISTRY NO. 888871  
DISCIPLINARY CASE NO. 13562/2015

Respondent was appointed to the Department in 1986. His last three annual evaluations were 4.5 overall ratings of "Highly/Extremely Competent" for 2012-2014.

Respondent has no prior disciplinary history and has received three medals for Excellent Police Duty.

[REDACTED]

For your consideration.



Rosemarie Maldonado  
Deputy Commissioner Trials